

# Calendar No. 500

108TH CONGRESS  
2D SESSION

# S. 1423

[Report No. 108–259]

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

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## IN THE SENATE OF THE UNITED STATES

JULY 17, 2003

Mr. ALLEN (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

MAY 6, 2004

Reported by Mr. CAMPBELL, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Thomasina E. Jordan Indian Tribes of Virginia Federal  
 4 Recognition Act of 2003”.

5 (b) TABLE OF CONTENTS.—The table of contents of  
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHICKAHOMINY INDIAN TRIBE

Sec. 101. Findings.  
 Sec. 102. Definitions.  
 Sec. 103. Federal recognition.  
 Sec. 104. Membership; governing documents.  
 Sec. 105. Governing body.  
 Sec. 106. Reservation of the Tribe.  
 Sec. 107. Hunting, fishing, trapping, gathering, and water rights.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

Sec. 201. Findings.  
 Sec. 202. Definitions.  
 Sec. 203. Federal recognition.  
 Sec. 204. Membership; governing documents.  
 Sec. 205. Governing body.  
 Sec. 206. Reservation of the Tribe.  
 Sec. 207. Hunting, fishing, trapping, gathering, and water rights.

TITLE III—UPPER MATTAPONI TRIBE

Sec. 301. Findings.  
 Sec. 302. Definitions.  
 Sec. 303. Federal recognition.  
 Sec. 304. Membership; governing documents.  
 Sec. 305. Governing body.  
 Sec. 306. Reservation of the Tribe.  
 Sec. 307. Hunting, fishing, trapping, gathering, and water rights.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

Sec. 401. Findings.  
 Sec. 402. Definitions.  
 Sec. 403. Federal recognition.  
 Sec. 404. Membership; governing documents.  
 Sec. 405. Governing body.  
 Sec. 406. Reservation of the Tribe.  
 Sec. 407. Hunting, fishing, trapping, gathering, and water rights.

TITLE V—MONACAN INDIAN NATION

Sec. 501. Findings.

- Sec. 502. Definitions.
- Sec. 503. Federal recognition.
- Sec. 504. Membership; governing documents.
- Sec. 505. Governing body.
- Sec. 506. Reservation of the Tribe.
- Sec. 507. Hunting, fishing, trapping, gathering, and water rights.

#### TITLE VI—NANSEMOND INDIAN TRIBE

- Sec. 601. Findings.
- Sec. 602. Definitions.
- Sec. 603. Federal recognition.
- Sec. 604. Membership; governing documents.
- Sec. 605. Governing documents.
- Sec. 606. Governing body.
- Sec. 607. Reservation of the Tribe.
- Sec. 608. Hunting, fishing, trapping, gathering, and water rights.

## 1           **TITLE I—CHICKAHOMINY** 2           **INDIAN TRIBE**

### 3   **SEC. 101. FINDINGS.**

4           Congress finds that—

5                   (1) in 1607, when the English settlers set shore  
6           along the Virginia coastline, the Chickahominy In-  
7           dian Tribe was 1 of about 30 tribes that received  
8           them;

9                   (2) in 1614, the Chickahominy Indian Tribe en-  
10          tered into a treaty with Sir Thomas Dale, Governor  
11          of the Jamestown Colony, under which—

12                   (A) the Chickahominy Indian Tribe agreed  
13          to provide 2 bushels of corn per man and send  
14          warriors to protect the English; and

15                   (B) Sir Thomas Dale agreed in return to  
16          allow the Tribe to continue to practice its own  
17          tribal governance;

1           (3) in 1646, a treaty was signed which forced  
2           the Chickahominy from their homeland to the area  
3           around the York River in present-day King William  
4           County, leading to the formation of a reservation;

5           (4) in 1677, following Bacon's Rebellion, the  
6           Queen of Pamunkey signed the Treaty of Middle  
7           Plantation on behalf of the Chickahominy;

8           (5) in 1702, the Chickahominy were forced  
9           from their reservation, which caused the loss of a  
10          land base;

11          (6) in 1711, the College of William and Mary  
12          in Williamsburg established a grammar school for  
13          Indians called Brafferton College;

14          (7) a Chickahominy child was 1 of the first In-  
15          dians to attend Brafferton College;

16          (8) in 1750, the Chickahominy Indian Tribe  
17          began to migrate from King William County back to  
18          the area around the Chickahominy River in New  
19          Kent and Charles City Counties;

20          (9) in 1793, a Baptist missionary named  
21          Bradby took refuge with the Chickahominy and took  
22          a Chickahominy woman as his wife;

23          (10) in 1831, the names of the ancestors of the  
24          modern-day Chickahominy Indian Tribe began to  
25          appear in the Charles City County census records;

1           (11) in 1901, the Chickahominy Indian Tribe  
2       formed Samaria Baptist Church;

3           (12) from 1901 to 1935, Chickahominy men  
4       were assessed a tribal tax so that their children  
5       could receive an education;

6           (13) the Tribe used the proceeds from the tax  
7       to build the first Samaria Indian School, buy sup-  
8       plies, and pay a teacher's salary;

9           (14) in 1919, C. Lee Moore, Auditor of Public  
10      Accounts for Virginia, told Chickahominy Chief  
11      O.W. Adkins that he had instructed the Commis-  
12      sioner of Revenue for Charles City County to record  
13      Chickahominy tribal members on the county tax rolls  
14      as Indian, and not as white or colored;

15          (15) during the period of 1920 through 1930,  
16      various Governors of the Commonwealth of Virginia  
17      wrote letters of introduction for Chickahominy  
18      Chiefs who had official business with Federal agen-  
19      cies in Washington, D.C.;

20          (16) in 1934, Chickahominy Chief O.W. Adkins  
21      wrote to John Collier, Commissioner of Indian Af-  
22      fairs, requesting money to acquire land for the  
23      Chickahominy Indian Tribe's use, to build school,  
24      medical, and library facilities and to buy tractors,  
25      implements, and seed;

1           (17) in 1934, John Collier, Commissioner of In-  
2       dian Affairs, wrote to Chickahominy Chief O.W.  
3       Adkins, informing him that Congress had passed the  
4       Act of June 18, 1934 (commonly known as the “In-  
5       dian Reorganization Act”) (25 U.S.C. 461 et seq.),  
6       but had not made the appropriation to fund the Act;

7           (18) in 1942, Chickahominy Chief O.W. Adkins  
8       wrote to John Collier, Commissioner of Indian Af-  
9       fairs, asking for help in getting the proper racial  
10      designation on Selective Service records for Chicka-  
11      hominy soldiers;

12          (19) in 1943, John Collier, Commissioner of In-  
13      dian Affairs, asked Douglas S. Freeman, editor of  
14      the Richmond News-Leader newspaper of Richmond,  
15      Virginia, to help Virginia Indians obtain proper ra-  
16      cial designation on birth records;

17          (20) Collier stated that his office could not offi-  
18      cially intervene because it had no responsibility for  
19      the Virginia Indians, “as a matter largely of histor-  
20      ical accident”, but was “interested in them as de-  
21      scendants of the original inhabitants of the region”;

22          (21) in 1948, the Veterans’ Education Com-  
23      mittee of the Virginia State Board of Education ap-  
24      proved Samaria Indian School to provide training to  
25      veterans;

1           (22) that school was established and run by the  
2       Chickahominy Indian Tribe;

3           (23) in 1950, the Chickahominy Indian Tribe  
4       purchased and donated to the Charles City County  
5       School Board land to be used to build a modern  
6       school for students of the Chickahominy and other  
7       Virginia Indian tribes;

8           (24) the Samaria Indian School included stu-  
9       dents in grades 1 through 8;

10          (25) In 1961, Senator Sam Ervin, Chairman of  
11       the Subcommittee on Constitutional Rights of the  
12       Committee on the Judiciary of the Senate, requested  
13       Chickahominy Chief O.W. Adkins to provide assist-  
14       ance in analyzing the status of the constitutional  
15       rights of Indians “in your area”;

16          (26) in 1967, the Charles City County school  
17       board closed Samaria Indian School and converted  
18       the school to a countywide primary school as a step  
19       toward full school integration of Indian and non-In-  
20       dian students;

21          (27) in 1972, the Charles City County school  
22       board began receiving funds under the Indian Self-  
23       Determination and Education Assistance Act (25  
24       U.S.C. 458aa et seq.) on behalf of Chickahominy  
25       students, which funding is provided as of the date

1 of enactment of this Act under title V of the Indian  
 2 Self-Determination and Education Assistance Act  
 3 (25 U.S.C. 458aaa et seq.);

4 (28) in 1974, the Chickahominy Indian Tribe  
 5 bought land and built a tribal center using monthly  
 6 pledges from tribal members to finance the trans-  
 7 actions;

8 (29) in 1983, the Chickahominy Indian Tribe  
 9 was granted recognition as an Indian tribe by the  
 10 Commonwealth of Virginia, along with 5 other In-  
 11 dian tribes; and

12 (30) in 1985, Governor Gerald Baliles was the  
 13 special guest at an intertribal Thanksgiving Day  
 14 dinner hosted by the Chickahominy Indian Tribe.

15 **SEC. 102. DEFINITIONS.**

16 In this title:

17 (1) SECRETARY.—The term “Secretary” means  
 18 the Secretary of the Interior.

19 (2) TRIBAL MEMBER.—The term “tribal mem-  
 20 ber” means—

21 (A) an individual who is an enrolled mem-  
 22 ber of the Tribe as of the date of enactment of  
 23 this Act; and



1 (B) an individual who has been placed on  
 2 the membership rolls of the Tribe in accordance  
 3 with this title.

4 (3) TRIBE.—The term “Tribe” means the  
 5 Chickahominy Indian Tribe.

6 **SEC. 103. FEDERAL RECOGNITION.**

7 (a) FEDERAL RECOGNITION.—

8 (1) IN GENERAL.—Federal recognition is ex-  
 9 tended to the Tribe.

10 (2) APPLICABILITY OF LAWS.—All laws (includ-  
 11 ing regulations) of the United States of general ap-  
 12 plicability to Indians or nations, Indian tribes, or  
 13 bands of Indians (including the Act of June 18,  
 14 1934 (25 U.S.C. 461 et seq.)) that are not incon-  
 15 sistent with this title shall be applicable to the Tribe  
 16 and tribal members.

17 (b) FEDERAL SERVICES AND BENEFITS.—

18 (1) IN GENERAL.—On and after the date of en-  
 19 actment of this Act, the Tribe and tribal members  
 20 shall be eligible for all services and benefits provided  
 21 by the Federal Government to federally recognized  
 22 Indian tribes without regard to—

23 (A) the existence of a reservation for the  
 24 Tribe; or

1 (B) the location of the residence of any  
2 tribal member on or near any Indian reserva-  
3 tion.

4 (2) SERVICE AREA.—For the purpose of the de-  
5 livery of Federal services to tribal members, the  
6 service area of the Tribe shall be considered to be  
7 the area comprised of Charles City County, Virginia.

8 **SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.**

9 The membership roll and governing documents of the  
10 Tribe shall be the most recent membership roll and gov-  
11 erning documents, respectively, submitted by the Tribe to  
12 the Secretary before the date of enactment of this Act.

13 **SEC. 105. GOVERNING BODY.**

14 The governing body of the Tribe shall be—

15 (1) the governing body of the Tribe in place as  
16 of the date of enactment of this Act; or

17 (2) any subsequent governing body elected in  
18 accordance with the election procedures specified in  
19 the governing documents of the Tribe.

20 **SEC. 106. RESERVATION OF THE TRIBE.**

21 (a) IN GENERAL.—Notwithstanding any other provi-  
22 sion of law, if, not later than 25 years after the date of  
23 enactment of this Act, the Tribe transfers to the Secretary  
24 land within the boundaries of the Virginia counties of

1 Charles City, James City, or Henrico, the Secretary shall  
 2 take the land into trust for the benefit of the Tribe.

3 (b) GAMING.—No reservation or tribal land or land  
 4 taken into trust for the benefit of the Tribe shall be eligi-  
 5 ble to satisfy the terms for an exception under section  
 6 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
 7 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
 8 land acquired by the Secretary in trust for the benefit of  
 9 an Indian tribe after October 17, 1988, under section  
 10 20(a) of that Act (25 U.S.C. 2719(a)).

11 **SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
 12 **WATER RIGHTS.**

13 Nothing in this title expands, reduces, or affects in  
 14 any manner any hunting, fishing, trapping, gathering, or  
 15 water rights of the Tribe and members of the Tribe.

16 **TITLE II—CHICKAHOMINY IN-**  
 17 **DIAN TRIBE—EASTERN DIVI-**  
 18 **SION**

19 **SEC. 201. FINDINGS.**

20 Congress finds that—

21 (1) in 1607, when the English settlers set shore  
 22 along the Virginia coastline, the Chickahominy In-  
 23 dian Tribe was 1 of about 30 tribes that received  
 24 them;

1           (2) in 1614, the Chickahominy Indian Tribe en-  
2           tered into a treaty with Sir Thomas Dale, Governor  
3           of the Jamestown Colony, under which—

4                   (A) the Chickahominy Indian Tribe agreed  
5           to provide 2 bushels of corn per man and send  
6           warriors to protect the English; and

7                   (B) Sir Thomas Dale agreed in return to  
8           allow the Tribe to continue to practice its own  
9           tribal governance;

10          (3) in 1646, a treaty was signed which forced  
11          the Chickahominy from their homeland to the area  
12          around the York River in present-day King William  
13          County, leading to the formation of a reservation;

14          (4) in 1677, following Bacon's Rebellion, the  
15          Queen of Pamunkey signed the Treaty of Middle  
16          Plantation on behalf of the Chickahominy;

17          (5) in 1702, the Chickahominy were forced  
18          from their reservation, which caused the loss of a  
19          land base;

20          (6) in 1711, the College of William and Mary  
21          in Williamsburg established a grammar school for  
22          Indians called Brafferton College;

23          (7) a Chickahominy child was 1 of the first In-  
24          dians to attend Brafferton College;

1           (8) in 1750, the Chickahominy Indian Tribe  
2       began to migrate from King William County back to  
3       the area around the Chickahominy River in New  
4       Kent and Charles City Counties;

5           (9) in 1793, a Baptist missionary named  
6       Bradby took refuge with the Chickahominy and took  
7       a Chickahominy woman as his wife;

8           (10) in 1831, the names of the ancestors of the  
9       modern-day Chickahominy Indian Tribe began to  
10      appear in the Charles City County census records;

11          (11) in 1870, a census revealed an enclave of  
12      Indians in New Kent County that is believed to be  
13      the beginning of the Chickahominy Indian Tribe—  
14      Eastern Division;

15          (12) other records were destroyed when the  
16      New Kent County courthouse was burned, leaving a  
17      State census as the only record covering that period;

18          (13) in 1901, the Chickahominy Indian Tribe  
19      formed Samaria Baptist Church;

20          (14) from 1901 to 1935, Chickahominy men  
21      were assessed a tribal tax so that their children  
22      could receive an education;

23          (15) the Tribe used the proceeds from the tax  
24      to build the first Samaria Indian School, buy sup-  
25      plies, and pay a teacher's salary;

1           (16) in 1910, a 1-room school covering grades  
2       1 through 8 was established in New Kent County for  
3       the Chickahominy Indian Tribe—Eastern Division;

4           (17) during the period of 1920 through 1921,  
5       the Chickahominy Indian Tribe—Eastern Division  
6       began forming a tribal government;

7           (18) E.P. Bradby, the founder of the Tribe,  
8       was elected to be Chief;

9           (19) in 1922, Tsena Commocko Baptist Church  
10      was organized;

11          (20) in 1925, a certificate of incorporation was  
12      issued to the Chickahominy Indian Tribe—Eastern  
13      Division;

14          (21) in 1950, the 1-room Indian school in New  
15      Kent County was closed and students were bused to  
16      Samaria Indian School in Charles City County;

17          (22) in 1967, the Chickahominy Indian Tribe  
18      and the Chickahominy Indian Tribe—Eastern Divi-  
19      sion lost their schools as a result of the required in-  
20      tegration of students;

21          (23) during the period of 1982 through 1984,  
22      Tsena Commocko Baptist Church built a new sanc-  
23      tuary to accommodate church growth;

1 (24) in 1983 the Chickahominy Indian Tribe—  
 2 Eastern Division was granted State recognition  
 3 along with 5 other Virginia Indian tribes;

4 (25) in 1985—

5 (A) the Virginia Council on Indians was  
 6 organized as a State agency; and

7 (B) the Chickahominy Indian Tribe—East-  
 8 ern Division was granted a seat on the Council;

9 (26) in 1988, a nonprofit organization known  
 10 as the “United Indians of Virginia” was formed; and

11 (27) Chief Marvin “Strongoak” Bradby of the  
 12 Eastern Band of the Chickahominy presently chairs  
 13 the organization.

14 **SEC. 202. DEFINITIONS.**

15 In this title:

16 (1) SECRETARY.—The term “Secretary” means  
 17 the Secretary of the Interior.

18 (2) TRIBAL MEMBER.—The term “tribal mem-  
 19 ber” means—

20 (A) an individual who is an enrolled mem-  
 21 ber of the Tribe as of the date of enactment of  
 22 this Act; and

23 (B) an individual who has been placed on  
 24 the membership rolls of the Tribe in accordance  
 25 with this title.

1           (3) **TRIBE.**—The term “Tribe” means the  
2       Chickahominy Indian Tribe—Eastern Division.

3       **SEC. 203. FEDERAL RECOGNITION.**

4           (a) **FEDERAL RECOGNITION.**—

5           (1) **IN GENERAL.**—Federal recognition is ex-  
6       tended to the Tribe.

7           (2) **APPLICABILITY OF LAWS.**—All laws (includ-  
8       ing regulations) of the United States of general ap-  
9       plicability to Indians or nations, Indian tribes, or  
10      bands of Indians (including the Act of June 18,  
11      1934 (25 U.S.C. 461 et seq.)) that are not incon-  
12      sistent with this title shall be applicable to the Tribe  
13      and tribal members.

14          (b) **FEDERAL SERVICES AND BENEFITS.**—

15          (1) **IN GENERAL.**—On and after the date of en-  
16      actment of this Act, the Tribe and tribal members  
17      shall be eligible for all future services and benefits  
18      provided by the Federal Government to federally rec-  
19      ognized Indian tribes without regard to—

20              (A) the existence of a reservation for the  
21      Tribe; or

22              (B) the location of the residence of any  
23      tribal member on or near any Indian reserva-  
24      tion.



1           (2) SERVICE AREA.—For the purpose of the de-  
2       livery of Federal services to tribal members, the  
3       service area of the Tribe shall be considered to be  
4       the area comprised of New Kent County, Virginia.

5   **SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.**

6       The membership roll and governing documents of the  
7       Tribe shall be the most recent membership roll and gov-  
8       erning documents, respectively, submitted by the Tribe to  
9       the Secretary before the date of enactment of this Act.

10   **SEC. 205. GOVERNING BODY.**

11       The governing body of the Tribe shall be—

12           (1) the governing body of the Tribe in place as  
13       of the date of enactment of this Act; or

14           (2) any subsequent governing body elected in  
15       accordance with the election procedures specified in  
16       the governing documents of the Tribe.

17   **SEC. 206. RESERVATION OF THE TRIBE.**

18       (a) IN GENERAL.—Notwithstanding any other provi-  
19       sion of law, if, not later than 25 years after the date of  
20       enactment of this Act, the Tribe transfers to the Secretary  
21       any land within the boundaries of New Kent County,  
22       James City County, or Henrico County, Virginia, the Sec-  
23       retary shall take the land into trust for the benefit of the  
24       Tribe.

1 (b) GAMING.—No reservation or tribal land or land  
 2 taken into trust for the benefit of the Tribe shall be eligi-  
 3 ble to satisfy the terms for an exception under section  
 4 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
 5 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
 6 land acquired by the Secretary in trust for the benefit of  
 7 an Indian tribe after October 17, 1988, under section  
 8 20(a) of that Act (25 U.S.C. 2719(a)).

9 **SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
 10 **WATER RIGHTS.**

11 Nothing in this title expands, reduces, or affects in  
 12 any manner any hunting, fishing, trapping, gathering, or  
 13 water rights of the Tribe and members of the Tribe.

14 **TITLE III—UPPER MATTAPONI**  
 15 **TRIBE**

16 **SEC. 301. FINDINGS.**

17 Congress finds that—

18 (1) during the period of 1607 through 1646,  
 19 the Chickahominy Indian Tribes—

20 (A) lived approximately 20 miles from  
 21 Jamestown; and

22 (B) were significantly involved in English-  
 23 Indian affairs;

1           (2) Mattaponi Indians, who later joined the  
2           Chickahominy Indians, lived a greater distance from  
3           Jamestown;

4           (3) in 1646, the Chickahominy Indians moved  
5           to Mattaponi River basin, away from the English;

6           (4) in 1661, the Chickahominy Indians sold  
7           land at a place known as “the cliffs” on the  
8           Mattaponi River;

9           (5) in 1669, the Chickahominy Indians—

10               (A) appeared in the Virginia Colony’s cen-  
11               sus of Indian bowmen; and

12               (B) lived in “New Kent” County, which in-  
13               cluded the Mattaponi River basin at that time;

14           (6) in 1677, the Chickahominy and Mattaponi  
15           Indians were subjects of the Queen of Pamunkey,  
16           who was a signatory to the Treaty of 1677 with the  
17           King of England;

18           (7) in 1683, after a Mattaponi town was at-  
19           tacked by Seneca Indians, the Mattaponi Indians  
20           took refuge with the Chickahominy Indians, and the  
21           history of the 2 groups was intertwined for many  
22           years thereafter;

23           (8) in 1695, the Chickahominy and Mattaponi  
24           Indians—

1 (A) were assigned a reservation by the Vir-  
2 ginia Colony; and

3 (B) traded land of the reservation for land  
4 at the place known as “the cliffs” (which, as of  
5 the date of enactment of this Act, is the  
6 Mattaponi Indian Reservation), which had been  
7 owned by the Mattaponi Indians before 1661;

8 (9) in 1711, a Chickahominy boy attended the  
9 Indian School at the College of William and Mary;

10 (10) in 1726, the Virginia Colony discontinued  
11 funding of interpreters for the Chickahominy and  
12 Mattaponi Indian Tribes;

13 (11) James Adams, who served as an inter-  
14 preter to the Indian tribes known as of the date of  
15 enactment of this Act as the “Upper Mattaponi In-  
16 dian Tribe” and “Chickahominy Indian Tribe”,  
17 elected to stay with the Upper Mattaponi Indians;

18 (12) today, a majority of the Upper Mattaponi  
19 Indians have “Adams” as their surname;

20 (13) in 1787, Thomas Jefferson, in Notes on  
21 the Commonwealth of Virginia, mentioned the  
22 Mattaponi Indians on a reservation in King William  
23 County and said that Chickahominy Indians were  
24 “blended” with the Mattaponi Indians and nearby  
25 Pamunkey Indians;

1           (14) in 1850, the census of the United States  
2           revealed a nucleus of approximately 10 families, all  
3           ancestral to modern Upper Mattaponi Indians, living  
4           in central King William County, Virginia, approxi-  
5           mately 10 miles from the reservation;

6           (15) during the period of 1853 through 1884,  
7           King William County marriage records listed Upper  
8           Mattaponis as “Indians” in marrying people residing  
9           on the reservation;

10          (16) during the period of 1884 through the  
11          present, county marriage records usually refer to  
12          Upper Mattaponis as “Indians”;

13          (17) in 1901, Smithsonian anthropologist  
14          James Mooney heard about the Upper Mattaponi In-  
15          dians but did not visit them;

16          (18) in 1928, University of Pennsylvania an-  
17          thropologist Frank Speck published a book on mod-  
18          ern Virginia Indians with a section on the Upper  
19          Mattaponis;

20          (19) from 1929 until 1930, the leadership of  
21          the Upper Mattaponi Indians opposed the use of a  
22          “colored” designation in the 1930 United States  
23          census and won a compromise in which the Indian  
24          ancestry of the Upper Mattaponis was recorded but  
25          questioned;

1 (20) during the period of 1942 through 1945—

2 (A) the leadership of the Upper Mattaponi  
3 Indians, with the help of Frank Speck and oth-  
4 ers, fought against the induction of young men  
5 of the Tribe into “colored” units in the Armed  
6 Forces of the United States; and

7 (B) a tribal roll for the Upper Mattaponi  
8 Indians was compiled;

9 (21) from 1945 to 1946, negotiations took  
10 place to admit some of the young people of the  
11 Upper Mattaponi to high schools for Federal Indians  
12 (especially at Cherokee) because no high school  
13 coursework was available for Indians in Virginia  
14 schools; and

15 (22) in 1983, the Upper Mattaponi Indians ap-  
16 plied for and won State recognition as an Indian  
17 tribe.

18 **SEC. 302. DEFINITIONS.**

19 In this title:

20 (1) SECRETARY.—The term “Secretary” means  
21 the Secretary of the Interior.

22 (2) TRIBAL MEMBER.—The term “tribal mem-  
23 ber” means—

1 (A) an individual who is an enrolled mem-  
 2 ber of the Tribe as of the date of enactment of  
 3 this Act; and

4 (B) an individual who has been placed on  
 5 the membership rolls of the Tribe in accordance  
 6 with this title.

7 (3) **TRIBE.**—The term “Tribe” means the  
 8 Upper Mattaponi Tribe.

9 **SEC. 303. FEDERAL RECOGNITION.**

10 (a) **FEDERAL RECOGNITION.**—

11 (1) **IN GENERAL.**—Federal recognition is ex-  
 12 tended to the Tribe.

13 (2) **APPLICABILITY OF LAWS.**—All laws (includ-  
 14 ing regulations) of the United States of general ap-  
 15 plicability to Indians or nations, Indian tribes, or  
 16 bands of Indians (including the Act of June 18,  
 17 1934 (25 U.S.C. 461 et seq.)) that are not incon-  
 18 sistent with this title shall be applicable to the Tribe  
 19 and tribal members.

20 (b) **FEDERAL SERVICES AND BENEFITS.**—

21 (1) **IN GENERAL.**—On and after the date of en-  
 22 actment of this Act, the Tribe and tribal members  
 23 shall be eligible for all services and benefits provided  
 24 by the Federal Government to federally recognized  
 25 Indian tribes without regard to—

1 (A) the existence of a reservation for the  
 2 Tribe; or

3 (B) the location of the residence of any  
 4 tribal member on or near any Indian reserva-  
 5 tion.

6 (2) SERVICE AREA.—For the purpose of the de-  
 7 livery of Federal services to tribal members, the  
 8 service area of the Tribe shall be considered to be  
 9 ~~the area within 25 miles of the tribal center of the~~  
 10 ~~Tribe in King William County, Virginia~~ *the area*  
 11 *within 25 miles of the Sharon Indian School at*  
 12 *13383 King William Road, King William, Virginia.*

13 **SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.**

14 The membership roll and governing documents of the  
 15 Tribe shall be the most recent membership roll and gov-  
 16 erning documents, respectively, submitted by the Tribe to  
 17 the Secretary before the date of enactment of this Act.

18 **SEC. 305. GOVERNING BODY.**

19 The governing body of the Tribe shall be—

20 (1) the governing body of the Tribe in place as  
 21 of the date of enactment of this Act; or

22 (2) any subsequent governing body elected in  
 23 accordance with the election procedures specified in  
 24 the governing documents of the Tribe.



1 **SEC. 306. RESERVATION OF THE TRIBE.**

2 (a) IN GENERAL.—Notwithstanding any other provi-  
 3 sion of law, if, not later than 25 years after the date of  
 4 enactment of this Act, the Tribe transfers to the Secretary  
 5 land within the boundaries of King William County, Vir-  
 6 ginia, the Secretary shall take the land into trust for the  
 7 benefit of the Tribe.

8 (b) GAMING.—No reservation or tribal land or land  
 9 taken into trust for the benefit of the Tribe shall be eligi-  
 10 ble to satisfy the terms for an exception under section  
 11 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
 12 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
 13 land acquired by the Secretary in trust for the benefit of  
 14 an Indian tribe after October 17, 1988, under section  
 15 20(a) of that Act (25 U.S.C. 2719(a)).

16 **SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
 17 **WATER RIGHTS.**

18 Nothing in this title expands, reduces, or affects in  
 19 any manner any hunting, fishing, trapping, gathering, or  
 20 water rights of the Tribe and members of the Tribe.

21 **TITLE IV—RAPPAHANNOCK**  
 22 **TRIBE, INC.**

23 **SEC. 401. FINDINGS.**

24 Congress finds that—

1           (1) during the initial months after Virginia was  
 2       settled, the Rappahannock Indians had 3 encounters  
 3       with Captain John Smith;

4           (2) the first encounter occurred when the Rappahannock weroance (headman)—

6                   (A) traveled to Quiyocohannock (a principal town across the James River from Jamestown), where he met with Smith to determine  
 8                   whether Smith had been the “great man” who  
 10                  had previously sailed into the Rappahannock  
 11                  River, killed a Rappahannock weroance, and  
 12                  kidnapped Rappahannock people; and

13                  (B) determined that Smith was too short  
 14                  to be that “great man”;

15           (3) on a second meeting, during John Smith’s  
 16       captivity (December 16, 1607 to January 8, 1608),  
 17       Smith was taken to the Rappahannock principal village to show the people that Smith was not the  
 18       “great man”;

20           (4) a third meeting took place during Smith’s  
 21       exploration of the Chesapeake Bay (July to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock  
 22       King, Smith was prevailed upon to facilitate a peace-

1       ful truce between the Rappahannock and the  
2       Moraughtacund Indians;

3           (5) in the settlement, Smith had the 2 Indian  
4       tribes meet on the spot of their first fight;

5           (6) when it was established that both groups  
6       wanted peace, Smith told the Rappahannock King to  
7       select which of the 3 stolen women he wanted;

8           (7) the Moraughtacund King was given second  
9       choice among the 2 remaining women, and Mosco, a  
10      Wighcocomoco (on the Potomac River) guide, was  
11      given the third woman;

12          (8) in 1645, Captain William Claiborne tried  
13      unsuccessfully to establish treaty relations with the  
14      Rappahannocks, as the Rappahannocks had not par-  
15      ticipated in the Pamunkey-led uprising in 1644, and  
16      the English wanted to “treat with the  
17      Rappahannocks or any other Indians not in amity  
18      with Opechancanough, concerning serving the county  
19      against the Pamunkeys”;

20          (9) in April 1651, the Rappahannocks conveyed  
21      a tract of land to an English settler, Colonel Morre  
22      Fauntleroy;

23          (10) the deed for the conveyance was signed by  
24      Accopatough, weroance of the Rappahannock Indi-  
25      ans;

1           (11) in September 1653, Lancaster County  
 2           signed a treaty with Rappahannock Indians, the  
 3           terms of which treaty—

4                   (A) gave Rappahannocks the rights of  
 5           Englishmen in the county court; and

6                   (B) attempted to make the Rappahannocks  
 7           more accountable under English law;

8           (12) in September 1653, Lancaster County de-  
 9           fined and marked the bounds of its Indian settle-  
 10          ments;

11           (13) according to the Lancaster clerk of court,  
 12          “the tribe called the great Rappahannocks lived on  
 13          the Rappahannock Creek just across the river above  
 14          Tappahannock”;

15           (14) in September 1656, (Old) Rappahannock  
 16          County (which, as of the date of enactment of this  
 17          Act, is comprised of Richmond and Essex Counties,  
 18          Virginia) signed a treaty with Rappahannock Indi-  
 19          ans that—

20                   (A) mirrored the Lancaster County treaty  
 21          from 1653; and

22                   (B) stated that—

23                           (i) Rappahannocks were to be re-  
 24                           warded, in Roanoke, for returning English  
 25                           fugitives; and

1                   (ii) the English encouraged the  
2                   Rappahannocks to send their children to  
3                   live among the English as servants, who  
4                   the English promised would be well-treat-  
5                   ed;

6                   (15) in 1658, the Virginia Assembly revised a  
7                   1652 Act stating that “there be no grants of land  
8                   to any Englishman whatsoever de futuro until the  
9                   Indians be first served with the proportion of 50  
10                  acres of land for each bowman”;

11                  (16) in 1669, the colony conducted a census of  
12                  Virginia Indians;

13                  (17) as of the date of that census—

14                    (A) the majority of the Rappahannocks  
15                    were residing at their hunting village on the  
16                    north side of the Mattaponi River; and

17                    (B) at the time of the visit, census-takers  
18                    were counting only the Indian tribes along the  
19                    rivers, which explains why only 30 Rappahan-  
20                    nock bowmen were counted on that river;

21                  (18) the Rappahannocks used the hunting vil-  
22                  lage on the north side of the Mattaponi River as  
23                  their primary residence until the Rappahannocks  
24                  were removed in 1684;

1           (19) in May 1677, the Treaty of Middle Planta-  
2           tion was signed with England;

3           (20) the Pamunkey Queen Cockacoeske signed  
4           on behalf of the Rappahannocks, “who were sup-  
5           posed to be her tributaries”, but before the treaty  
6           could be ratified, the Queen of Pamunkey com-  
7           plained to the Virginia Colonial Council “that she  
8           was having trouble with Rappahannocks and  
9           Chickahominies, supposedly tributaries of hers”;

10          (21) in November 1682, the Virginia Colonial  
11          Council established a reservation for the Rappahan-  
12          nock Indians of 3,474 acres “about the town where  
13          they dwelt”;

14          (22) the Rappahannock “town” was the hunt-  
15          ing village on the north side of the Mattaponi River,  
16          where the Rappahannocks had lived throughout the  
17          1670s;

18          (23) the acreage allotment of the reservation  
19          was based on the 1658 Indian land act, which trans-  
20          lates into a bowman population of 70, or an approxi-  
21          mate total Rappahannock population of 350;

22          (24) in 1683, following raids by Iroquoian war-  
23          riors on both Indian and English settlements, the  
24          Virginia Colonial Council ordered the  
25          Rappahannocks to leave their reservation and unite

1 with the Nanzatico Indians at Nanzatico Indian  
 2 Town, which was located across and up the Rappa-  
 3 hannock River some 30 miles;

4 (25) between 1687 and 1699, the  
 5 Rappahannocks migrated out of Nanzatico, return-  
 6 ing to the south side of the Rappahannock River at  
 7 Portobacco Indian Town;

8 (26) in 1706, by order of Essex County, Lieu-  
 9 tenant Richard Covington “escorted” the  
 10 Portobaccos and Rappahannocks out of Portobacco  
 11 Indian Town, out of Essex County, and into King  
 12 and Queen County where they settled along the  
 13 ridgeline between the Rappahannock and Mattaponi  
 14 Rivers, the site of their ancient hunting village and  
 15 1682 reservation;

16 (27) during the 1760s, 3 Rappahannock girls  
 17 were raised on Thomas Nelson’s Bleak Hill Planta-  
 18 tion in King William County;

19 (28) of those girls—

20 (A) 1 married a Saunders man;

21 (B) 1 married a Johnson man; and

22 (C) 1 had 2 children, Edmund and Carter  
 23 Nelson, fathered by Thomas Cary Nelson;

24 (29) in the 19th century, those Saunders, John-  
 25 son, and Nelson families are among the core Rappa-

1 hannock families from which the modern Tribe  
2 traces its descent;

3 (30) in 1819 and 1820, Edward Bird, John  
4 Bird (and his wife), Carter Nelson, Edmund Nelson,  
5 and Carter Spurlock (all Rappahannock ancestors)  
6 were listed on the tax roles of King and Queen  
7 County and taxed at the county poor rate;

8 (31) Edmund Bird was added to the tax roles  
9 in 1821;

10 (32) those tax records are significant docu-  
11 mentation because the great majority of pre-1864  
12 records for King and Queen County were destroyed  
13 by fire;

14 (33) beginning in 1819, and continuing through  
15 the 1880s, there was a solid Rappahannock presence  
16 in the membership at Upper Essex Baptist Church;

17 (34) that was the first instance of conversion to  
18 Christianity by at least some Rappahannock Indians;

19 (35) while 26 identifiable and traceable Rappa-  
20 hannock surnames appear on the pre-1863 member-  
21 ship list, and 28 were listed on the 1863 member-  
22 ship roster, the number of surnames listed had de-  
23 clined to 12 in 1878 and had risen only slightly to  
24 14 by 1888;



1           (36) a reason for the decline is that in 1870,  
2           a Methodist circuit rider, Joseph Mastin, secured  
3           funds to purchase land and construct St. Stephens  
4           Baptist church for the Rappahannocks living nearby  
5           in Caroline County;

6           (37) Mastin referred to the Rappahannock dur-  
7           ing the period of 1850 to 1870 as “Indians, having  
8           a great need for moral and Christian guidance”;

9           (38) St. Stephens was the dominant tribal  
10          church until the Rappahannock Indian Baptist  
11          Church was established in 1964;

12          (39) at both churches, the core Rappahannock  
13          family names of Bird, Clarke, Fortune, Johnson,  
14          Nelson, Parker, and Richardson predominate;

15          (40) during the early 1900’s, James Mooney,  
16          noted anthropologist, maintained correspondence  
17          with the Rappahannocks, surveying them and in-  
18          structing them on how to formalize their tribal gov-  
19          ernment;

20          (41) in November 1920, Speck visited the  
21          Rappahannocks and assisted them in organizing the  
22          fight for their sovereign rights;

23          (42) in 1921, the Rappahannocks were granted  
24          a charter from the Commonwealth of Virginia for-  
25          malizing their tribal government;

1           (43) Speck began a professional relationship  
2           with the Tribe that would last more than 30 years  
3           and document Rappahannock history and traditions  
4           as never before;

5           (44) in April 1921, Rappahannock Chief  
6           George Nelson asked the Governor of Virginia,  
7           Westmoreland Davis, to forward a proclamation to  
8           the President of the United States, along with an  
9           appended list of tribal members and a handwritten  
10          copy of the proclamation itself;

11          (45) the letter concerned Indian freedom of  
12          speech and assembly nationwide;

13          (46) in 1922, the Rappahannocks established a  
14          formal school at Lloyds, Essex County, Virginia;

15          (47) prior to establishment of the school, Rap-  
16          pahannock children were taught by a tribal member  
17          in Central Point, Caroline County, Virginia;

18          (48) in December 1923, Rappahannock Chief  
19          George Nelson testified before Congress appealing  
20          for a \$50,000 appropriation to establish an Indian  
21          school in Virginia;

22          (49) in 1930, the Rappahannocks were engaged  
23          in an ongoing dispute with the Commonwealth of  
24          Virginia and the United States Census Bureau

1       about their classification in the 1930 Federal cen-  
2       sus;

3           (50) in January 1930, Rappahannock Chief  
4       Otho S. Nelson wrote to Leon Truesdell, Chief Stat-  
5       istician of the United States Census Bureau, asking  
6       that the 218 enrolled Rappahannocks be listed as  
7       Indians;

8           (51) in February 1930, Truesdell replied to  
9       Nelson saying that “special instructions” were being  
10      given about classifying Indians;

11          (52) in April 1930, Nelson wrote to William M.  
12      Steuart at the Census Bureau asking about the enu-  
13      merators’ failure to classify his people as Indians,  
14      saying that enumerators had not asked the question  
15      about race when they interviewed his people;

16          (53) in a followup letter to Truesdell, Nelson  
17      reported that the enumerators were “flatly denying”  
18      his people’s request to be listed as Indians and that  
19      the race question was completely avoided during  
20      interviews;

21          (54) the Rappahannocks had spoken with Caro-  
22      line and Essex County enumerators, and with John  
23      M.W. Green at that point, without success;

24          (55) Nelson asked Truesdell to list people as  
25      Indians if he sent a list of members;

1           (56) the matter was settled by William Steuart,  
2           who concluded that the Bureau's rule was that peo-  
3           ple of Indian descent could be classified as "Indian"  
4           only if Indian "blood" predominated and "Indian"  
5           identity was accepted in the local community;

6           (57) the Virginia Vital Statistics Bureau  
7           classed all nonreservation Indians as "Negro", and  
8           it failed to see why "an exception should be made"  
9           for the Rappahannocks;

10          (58) therefore, in 1925, the Indian Rights As-  
11          sociation took on the Rappahannock case to assist  
12          the Rappahannocks in fighting for their recognition  
13          and rights as an Indian tribe;

14          (59) during the Second World War, the  
15          Pamunkeys, Mattaponis, Chickahominies, and  
16          Rappahannocks had to fight the draft boards with  
17          respect to their racial identities;

18          (60) the Virginia Vital Statistics Bureau in-  
19          sisted that certain Indian draftees be inducted into  
20          Negro units;

21          (61) finally, 3 Rappahannocks were convicted of  
22          violating the Federal draft laws and, after spending  
23          time in a Federal prison, were granted conscientious  
24          objector status and served out the remainder of the  
25          war working in military hospitals;

1           (62) in 1943, Frank Speck noted that there  
2       were approximately 25 communities of Indians left  
3       in the Eastern United States that were entitled to  
4       Indian classification, including the Rappahannocks;

5           (63) in the 1940s, Leon Truesdell, Chief Stat-  
6       istician, of the United States Census Bureau, listed  
7       118 members in the Rappahannock Tribe in the In-  
8       dian population of Virginia;

9           (64) on April 25, 1940, the Office of Indian Af-  
10      fairs of the Department of the Interior included the  
11      Rappahannocks on a list of Indian tribes classified  
12      by State and by agency;

13          (65) in 1948, the Smithsonian Institution An-  
14      nual Report included an article by William Harlen  
15      Gilbert entitled, “Surviving Indian Groups of the  
16      Eastern United States”, which included and de-  
17      scribed the Rappahannock Tribe;

18          (66) in the late 1940s and early 1950s, the  
19      Rappahannocks operated a school at Indian Neck;

20          (67) the State agreed to pay a tribal teacher to  
21      teach 10 students bused by King and Queen County  
22      to Sharon Indian School in King William County,  
23      Virginia;

1           (68) in 1965, Rappahannock students entered  
2           Marriott High School (a white public school) by ex-  
3           ecutive order of the Governor of Virginia;

4           (69) in 1972, the Rappahannocks worked with  
5           the Coalition of Eastern Native Americans to fight  
6           for Federal recognition;

7           (70) in 1979, the Coalition established a pot-  
8           tery and artisans company, operating with other Vir-  
9           ginia tribes;

10          (71) in 1980, the Rappahannocks received  
11          funding through the Administration for Native  
12          Americans of the State of Virginia to develop an  
13          economic program for the Tribe; and

14          (72) in 1983, the Rappahannocks received  
15          State recognition as an Indian tribe.

16 **SEC. 402. DEFINITIONS.**

17          In this title:

18           (1) SECRETARY.—The term “Secretary” means  
19           the Secretary of the Interior.

20           (2) TRIBAL MEMBER.—The term “tribal mem-  
21           ber” means—

22           (A) an individual who is an enrolled mem-  
23           ber of the Tribe as of the date of enactment of  
24           this Act; and

1 (B) an individual who has been placed on  
 2 the membership rolls of the Tribe in accordance  
 3 with this title.

4 (3) TRIBE.—

5 (A) IN GENERAL.—The term “Tribe”  
 6 means the organization possessing the legal  
 7 name Rappahannock Tribe, Inc.

8 (B) EXCLUSIONS.—The term “Tribe” does  
 9 not include any other Indian tribe, subtribe,  
 10 band, or splinter group the members of which  
 11 represent themselves as Rappahannock Indians.

12 **SEC. 403. FEDERAL RECOGNITION.**

13 (a) FEDERAL RECOGNITION.—

14 (1) IN GENERAL.—Federal recognition is ex-  
 15 tended to the Tribe.

16 (2) APPLICABILITY OF LAWS.—All laws (includ-  
 17 ing regulations) of the United States of general ap-  
 18 plicability to Indians or nations, Indian tribes, or  
 19 bands of Indians (including the Act of June 18,  
 20 1934 (25 U.S.C. 461 et seq.)) that are not incon-  
 21 sistent with this title shall be applicable to the Tribe  
 22 and tribal members.

23 (b) FEDERAL SERVICES AND BENEFITS.—

24 (1) IN GENERAL.—On and after the date of en-  
 25 actment of this Act, the Tribe and tribal members

1 shall be eligible for all services and benefits provided  
 2 by the Federal Government to federally recognized  
 3 Indian tribes without regard to—

4 (A) the existence of a reservation for the  
 5 Tribe; or

6 (B) the location of the residence of any  
 7 tribal member on or near any Indian reserva-  
 8 tion.

9 (2) SERVICE AREA.—For the purpose of the de-  
 10 livery of Federal services to tribal members, the  
 11 service area of the Tribe shall be considered to be  
 12 the area comprised of King and Queen, Caroline,  
 13 and Essex Counties, Virginia.

14 **SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.**

15 The membership roll and governing documents of the  
 16 Tribe shall be the most recent membership roll and gov-  
 17 erning documents, respectively, submitted by the Tribe to  
 18 the Secretary before the date of enactment of this Act.

19 **SEC. 405. GOVERNING BODY.**

20 The governing body of the Tribe shall be—

21 (1) the governing body of the Tribe in place as  
 22 of the date of enactment of this Act; or

23 (2) any subsequent governing body elected in  
 24 accordance with the election procedures specified in  
 25 the governing documents of the Tribe.



1 **SEC. 406. RESERVATION OF THE TRIBE.**

2 ~~(a) IN GENERAL.—Notwithstanding any other provi-~~  
 3 ~~sion of law, if, not later than 25 years after the date of~~  
 4 ~~enactment of this Act, the Tribe transfers to the Secretary~~  
 5 ~~land within the boundaries of the Virginia counties of~~  
 6 ~~Charles City, James City, or Henrico, the Secretary shall~~  
 7 ~~take the land into trust for the benefit of the Tribe.~~

8 *(a) IN GENERAL.—Notwithstanding any other provi-*  
 9 *sion of law, if the Tribe transfers the land described in sub-*  
 10 *section (b) and any other land within the boundaries of*  
 11 *King and Queen County, Essex County, and Caroline*  
 12 *County, Virginia, to the Secretary, the Secretary shall take*  
 13 *such land into trust for the benefit of the Tribe.*

14 (b) GAMING.—No reservation or tribal land or land  
 15 taken into trust for the benefit of the Tribe shall be eligi-  
 16 ble to satisfy the terms for an exception under section  
 17 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
 18 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
 19 land acquired by the Secretary in trust for the benefit of  
 20 an Indian tribe after October 17, 1988, under section  
 21 20(a) of that Act (25 U.S.C. 2719(a)).

22 **SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
 23 **WATER RIGHTS.**

24 Nothing in this title expands, reduces, or affects in  
 25 any manner any hunting, fishing, trapping, gathering, or  
 26 water rights of the Tribe and members of the Tribe.

1       **TITLE V—MONACAN INDIAN**  
2                               **NATION**

3   **SEC. 501. FINDINGS.**

4       Congress finds that—

5               (1) In 1677, the Monacan Tribe signed the  
6       Treaty of Middle Plantation between Charles II of  
7       England and 12 Indian “Kings and Chief Men”;

8               (2) in 1722, in the Treaty of Albany, Governor  
9       Spotswood negotiated to save the Virginia Indians  
10      from extinction at the hands of the Iroquois;

11              (3) specifically mentioned in the negotiations  
12      were the Monacan tribes of the Totero (Tutelo),  
13      Saponi, Ocheneeches (Occaneechi), Stengenocks, and  
14      Meipontskys;

15              (4) in 1790, the first national census recorded  
16      Benjamin Evans and Robert Johns, both ancestors  
17      of the present Monacan community, listed as  
18      “white” with mulatto children;

19              (5) in 1782, tax records also began for those  
20      families;

21              (6) in 1850, the United States census recorded  
22      29 families, mostly large, with Monacan surnames,  
23      the members of which are genealogically related to  
24      the present community;

1           (7) in 1870, a log structure was built at the  
2       Bear Mountain Indian Mission;

3           (8) in 1908, the structure became an Episcopal  
4       Mission and, as of the date of enactment of this Act,  
5       the structure is listed as a landmark on the National  
6       Register of Historic Places;

7           (9) in 1920, 304 Amherst Indians were identi-  
8       fied in the United States census;

9           (10) from 1930 through 1931, numerous letters  
10      from Monacans to the Bureau of the Census re-  
11      sulted from the decision of Dr. Walter Plecker,  
12      former head of the Bureau of Vital Statistics of the  
13      State of Virginia, not to allow Indians to register as  
14      Indians for the 1930 census;

15          (11) the Monacans eventually succeeded in  
16      being allowed to claim their race, albeit with an as-  
17      terisk attached to a note from Dr. Plecker stating  
18      that there were no Indians in Virginia;

19          (12) in 1947, D'Arcy McNickle, a Salish In-  
20      dian, saw some of the children at the Amherst Mis-  
21      sion and requested that the Cherokee Agency visit  
22      them because they appeared to be Indian;

23          (13) that letter was forwarded to the Depart-  
24      ment of the Interior, Office of Indian Affairs, Chi-  
25      cago, Illinois;

1           (14) Chief Jarrett Blythe of the Eastern Band  
2 of Cherokee did visit the Mission and wrote that he  
3 “would be willing to accept these children in the  
4 Cherokee school”;

5           (15) in 1979, a Federal Coalition of Eastern  
6 Native Americans established the entity known as  
7 “Monacan Co-operative Pottery” at the Amherst  
8 Mission;

9           (16) some important pieces were produced at  
10 Monacan Co-operative Pottery, including a piece  
11 that was sold to the Smithsonian Institution;

12           (17) the Mattaponi-Pamunkey-Monacan Con-  
13 sortium, established in 1981, has since been orga-  
14 nized as a nonprofit corporation that serves as a ve-  
15 hicle to obtain funds for those Indian tribes from the  
16 Department of Labor under Native American pro-  
17 grams under the Job Training Partnership Act (29  
18 U.S.C. 1501 et seq.);

19           (18) in 1989, the Monacan Tribe was recog-  
20 nized by the State of Virginia, which enabled the  
21 Tribe to apply for grants and participate in other  
22 programs; and

23           (19) in 1993, the Monacan Tribe received tax-  
24 exempt status as a nonprofit corporation from the  
25 Internal Revenue Service.

1 **SEC. 502. DEFINITIONS.**

2 In this title:

3 (1) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (2) TRIBAL MEMBER.—The term “tribal mem-  
6 ber” means—

7 (A) an individual who is an enrolled mem-  
8 ber of the Tribe as of the date of enactment of  
9 this Act; and

10 (B) an individual who has been placed on  
11 the membership rolls of the Tribe in accordance  
12 with this title.

13 (3) TRIBE.—The term “Tribe” means the Mon-  
14 acan Indian Nation.

15 **SEC. 503. FEDERAL RECOGNITION.**

16 (a) FEDERAL RECOGNITION.—

17 (1) IN GENERAL.—Federal recognition is ex-  
18 tended to the Tribe.

19 (2) APPLICABILITY OF LAWS.—All laws (includ-  
20 ing regulations) of the United States of general ap-  
21 plicability to Indians or nations, Indian tribes, or  
22 bands of Indians (including the Act of June 18,  
23 1934 (25 U.S.C. 461 et seq.)) that are not incon-  
24 sistent with this title shall be applicable to the Tribe  
25 and tribal members.

26 (b) FEDERAL SERVICES AND BENEFITS.—

1           (1) IN GENERAL.—On and after the date of en-  
 2           actment of this Act, the Tribe and tribal members  
 3           shall be eligible for all services and benefits provided  
 4           by the Federal Government to federally recognized  
 5           Indian tribes without regard to—

6                   (A) the existence of a reservation for the  
 7           Tribe; or

8                   (B) the location of the residence of any  
 9           tribal member on or near any Indian reserva-  
 10          tion.

11          (2) SERVICE AREA.—For the purpose of the de-  
 12          livery of Federal services to tribal members, the  
 13          service area of the Tribe shall be considered to be  
 14          the area comprised of all land within 25 miles from  
 15          the center of Amherst, Virginia.

16 **SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.**

17          The membership roll and governing documents of the  
 18          Tribe shall be the most recent membership roll and gov-  
 19          erning documents, respectively, submitted by the Tribe to  
 20          the Secretary before the date of enactment of this Act.

21 **SEC. 505. GOVERNING BODY.**

22          The governing body of the Tribe shall be—

23                   (1) the governing body of the Tribe in place as  
 24          of the date of enactment of this Act; or

1           (2) any subsequent governing body elected in  
2           accordance with the election procedures specified in  
3           the governing documents of the Tribe.

4   **SEC. 506. RESERVATION OF THE TRIBE.**

5           (a) IN GENERAL.—Notwithstanding any other provi-  
6           sion of law, if the Tribe transfers to the Secretary a parcel  
7           of land consisting of approximately 10 acres located on  
8           Kenmore Road in Amherst County, Virginia, and a parcel  
9           of land consisting of approximately 165 acres located at  
10          the foot of Bear Mountain in Amherst County, Virginia,  
11          the Secretary shall take the land into trust for the benefit  
12          of the Tribe.

13          (b) GAMING.—No reservation or tribal land or land  
14          taken into trust for the benefit of the Tribe shall be eligi-  
15          ble to satisfy the terms for an exception under section  
16          20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
17          U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
18          land acquired by the Secretary in trust for the benefit of  
19          an Indian tribe after October 17, 1988, under section  
20          20(a) of that Act (25 U.S.C. 2719(a)).

21   **SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
22                   **WATER RIGHTS.**

23          Nothing in this title expands, reduces, or affects in  
24          any manner any hunting, fishing, trapping, gathering, or  
25          water rights of the Tribe and members of the Tribe.

1   **TITLE VI—NANSEMOND INDIAN**  
2                           **TRIBE**

3   **SEC. 601. FINDINGS.**

4       Congress finds that—

5           (1) from 1607 until 1646, Nansemond Indi-  
6       ans—

7                   (A) lived approximately 30 miles from  
8       Jamestown; and

9                   (B) were significantly involved in English-  
10      Indian affairs;

11           (2) after 1646, there were 2 sections of  
12      Nansemonds in communication with each other, the  
13      Christianized Nansemonds in Norfolk County, who  
14      lived as citizens, and the traditionalist Nansemonds,  
15      who lived further west;

16           (3) in 1638, according to an entry in a 17th  
17      century sermon book still owned by the Chief's fam-  
18      ily, a Norfolk County Englishman married a  
19      Nansemond woman;

20           (4) that man and woman are lineal ancestors of  
21      all of members of the Nansemond Indian tribe alive  
22      as of the date of enactment of this Act, as are some  
23      of the traditionalist Nansemonds;



1           (5) in 1669, the 2 Nansemond sections ap-  
2       peared in Virginia Colony's census of Indian  
3       bowmen;

4           (6) in 1677, Nansemond Indians were signato-  
5       ries to the Treaty of 1677 with the King of Eng-  
6       land;

7           (7) in 1700 and 1704, the Nansemonds and  
8       other Virginia Indian tribes were prevented by Vir-  
9       ginia Colony from making a separate peace with the  
10      Iroquois;

11          (8) Virginia represented those Indian tribes in  
12      the final Treaty of Albany, 1722;

13          (9) in 1711, a Nansemond boy attended the In-  
14      dian School at the College of William and Mary;

15          (10) in 1727, Norfolk County granted William  
16      Bass and his kinsmen the "Indian privileges" of  
17      clearing swamp land and bearing arms (which privi-  
18      leges were forbidden to other nonwhites) because of  
19      their Nansemond ancestry, which meant that Bass  
20      and his kinsmen were original inhabitants of that  
21      land;

22          (11) in 1742, Norfolk County issued a certifi-  
23      cate of Nansemond descent to William Bass;

24          (12) from the 1740s to the 1790s, the tradi-  
25      tionalist section of the Nansemond tribe, 40 miles

1 west of the Christianized Nansemonds, was dealing  
2 with reservation land;

3 (13) the last surviving members of that section  
4 sold out in 1792 with the permission of the State of  
5 Virginia;

6 (14) in 1797, Norfolk County issued a certifi-  
7 cate stating that William Bass was of Indian and  
8 English descent, and that his Indian line of ancestry  
9 ran directly back to the early 18th century elder in  
10 a traditionalist section of Nansemonds on the res-  
11 ervation;

12 (15) in 1833, Virginia enacted a law enabling  
13 people of European and Indian descent to obtain a  
14 special certificate of ancestry;

15 (16) the law originated from the county in  
16 which Nansemonds lived, and mostly Nansemonds,  
17 with a few people from other counties, took advan-  
18 tage of the new law;

19 (17) a Methodist mission established around  
20 1850 for Nansemonds is currently a standard Meth-  
21 odist congregation with Nansemond members;

22 (18) in 1901, Smithsonian anthropologist  
23 James Mooney—

24 (A) visited the Nansemonds; and

1 (B) completed a tribal census that counted  
2 61 households and was later published;

3 (19) in 1922, Nansemonds were given a special  
4 Indian school in the segregated school system of  
5 Norfolk County;

6 (20) the school survived only a few years;

7 (21) in 1928, University of Pennsylvania an-  
8 thropologist Frank Speck published a book on mod-  
9 ern Virginia Indians that included a section on the  
10 Nansemonds; and

11 (22) the Nansemonds were organized formally,  
12 with elected officers, in 1984, and later applied for  
13 and received State recognition.

14 **SEC. 602. DEFINITIONS.**

15 In this title:

16 (1) SECRETARY.—The term “Secretary” means  
17 the Secretary of the Interior.

18 (2) TRIBAL MEMBER.—The term “tribal mem-  
19 ber” means—

20 (A) an individual who is an enrolled mem-  
21 ber of the Tribe as of the date of enactment of  
22 this Act; and

23 (B) an individual who has been placed on  
24 the membership rolls of the Tribe in accordance  
25 with this title.

1           (3) **TRIBE.**—The term “Tribe” means the  
2       Nansemond Indian Tribe.

3       **SEC. 603. FEDERAL RECOGNITION.**

4       (a) **FEDERAL RECOGNITION.**—

5           (1) **IN GENERAL.**—Federal recognition is ex-  
6       tended to the Tribe.

7           (2) **APPLICABILITY OF LAWS.**—All laws (includ-  
8       ing regulations) of the United States of general ap-  
9       plicability to Indians or nations, Indian tribes, or  
10      bands of Indians (including the Act of June 18,  
11      1934 (25 U.S.C. 461 et seq.)) that are not incon-  
12      sistent with this title shall be applicable to the Tribe  
13      and tribal members.

14      (b) **FEDERAL SERVICES AND BENEFITS.**—

15           (1) **IN GENERAL.**—On and after the date of en-  
16      actment of this Act, the Tribe and tribal members  
17      shall be eligible for all services and benefits provided  
18      by the Federal Government to federally recognized  
19      Indian tribes without regard to—

20           (A) the existence of a reservation for the  
21      Tribe; or

22           (B) the location of the residence of any  
23      tribal member on or near any Indian reserva-  
24      tion.

1           (2) SERVICE AREA.—For the purpose of the de-  
2       livery of Federal services to tribal members, the  
3       service area of the Tribe shall be considered to be  
4       the area comprised of the cities of Chesapeake,  
5       Hampton, Newport News, Norfolk, Portsmouth, Suf-  
6       folk, and Virginia Beach, Virginia.

7   **SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.**

8       (a) IN GENERAL.—Not later than 18 months after  
9       the date of enactment of this Act, the Tribe shall submit  
10      to the Secretary a membership roll consisting of all indi-  
11      viduals currently enrolled for membership in the Tribe.

12      (b) QUALIFICATIONS.—The qualifications for inclu-  
13      sion on the membership roll of the Tribe shall be deter-  
14      mined by the Tribe in accordance with the membership  
15      clauses in the governing document of the Tribe and in con-  
16      sultation with the Secretary.

17      (c) PUBLICATION.—Not later than 90 days after the  
18      date of enactment of this Act, the Secretary shall publish  
19      in the Federal Register notice of the membership roll of  
20      the Tribe.

21      (d) MAINTENANCE OF MEMBERSHIP ROLL.—The  
22      Tribe shall ensure that the membership roll of the Tribe  
23      is maintained and kept current.

1 **SEC. 605. GOVERNING DOCUMENTS.**

2 The governing documents of the Tribe in effect on  
3 the date of enactment of this Act shall be the interim gov-  
4 erning documents for the Tribe until those documents are  
5 modified in accordance with the documents.

6 **SEC. 606. GOVERNING BODY.**

7 The governing body of the Tribe shall be—

8 (1) the governing body of the Tribe in place as  
9 of the date of enactment of this Act; or

10 (2) any subsequent governing body elected in  
11 accordance with the election procedures specified in  
12 the governing documents of the Tribe.

13 **SEC. 607. RESERVATION OF THE TRIBE.**

14 (a) IN GENERAL.—Notwithstanding any other provi-  
15 sion of law, if the Tribe transfers any land acquired by  
16 the Tribe to the Secretary, the Secretary may take the  
17 land into trust for the benefit of the Tribe.

18 (b) GAMING.—No reservation or tribal land or land  
19 taken into trust for the benefit of the Tribe shall be eligi-  
20 ble to satisfy the terms for an exception under section  
21 20(b)(1)(B) of the Indian Gaming Regulatory Act (25  
22 U.S.C. 2719(b)(1)(B)) to the prohibition on gaming on  
23 land acquired by the Secretary in trust for the benefit of  
24 an Indian tribe after October 17, 1988, under section  
25 20(a) of that Act (25 U.S.C. 2719(a)).

1 **SEC. 608. HUNTING, FISHING, TRAPPING, GATHERING, AND**  
2 **WATER RIGHTS.**

3       Nothing in this title expands, reduces, or affects in  
4 any manner any hunting, fishing, trapping, gathering, or  
5 water rights of the Tribe and members of the Tribe.

**Calendar No. 500**

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 1423**

[Report No. 108-259]

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**A BILL**

To extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nausenond Indian Tribe.

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MAY 6, 2004

Reported with amendments